REMARKS

Thorough examination of the application is appreciated.

Claims 1-53 are pending with claims 1 and 15 being independent.

Claims 1-9, 15-35, 41-44 stand rejected under 35 O.K. 103(a) as unpatentable over U.S. Patent 6,472,004 ("Hans") in view of the admitted prior art, and U.S. Patent 2,811,483 ("Aterno").

Claims 10-14.36-40, 50-54 stand rejected under 35 O.K. 103(a) as unpatentable over Hans, admitted prior art, Aterno and further in view of U.S. Patent 2,470,417 ("Anderson").

To meet the burden of establishing a *prima facie* case, the U.S. Patent and Trademark Office must point out where each claimed element and limitation of the claims is found in the cited references. *Ex parte Blanc*, 13 USPQ2d 1383 (Bd. Pat. App. & Inter. 1989). Furthermore, to establish a *prima facie* case of obviousness, "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP 2143 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the propped modification." MPEP 2143.01 citing *In re Gordon*, 733 F.2d 900, 221 USPQ. 1125 (Fed. Cir. 1983).

Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness for the following reasons.

Claims 1-9, 15-35 and 41-44 are patentable over Hans in view of the admitted prior art and Aterno.

The presently disclosed composition includes an uncooked oatmeal product, which includes a plurality of flakes each having a body, and, among others, a triple encapsulating vitamin C. Paragraph [0021]. An oatmeal product is "prepared by the triple encapsulated vitamin C component with the other vitamin and mineral bland ... and then further combining the mixture with any remaining ingredients except for oats ...[which] gravimetrically fed into the packaging container. Paragraph [0029] Thereafter,

the entire composition is further processed by cooking in a boiling liquid. As a result, Vitamin C passes easily passes **through** the body of the oat meals due to the fact it is water soluble. Paragraph [0022] Consequently, the prepared oat meals each have a body impregnated with vitamin C.

Based on foregoing, Claim 1 has been amended to recite, among others, the following:

--a vitamin C component blended with the oatmeal component so as to penetrate into a body of the oatmeal component--

The Examiner cites Hans as a base reference allegedly teaching each and every element as recited in Claim 1 except for a triple encapsulated vitamin C component.

The Examiner attempts to cure the deficiency of Hans by suggesting to apply an encapsulated vitamin C, as disclosed in the present application, to the product of Hans.

The applicants respectfully submit that the suggested combination would lead to the resultant composition that cannot yield the recited composition of Claim 1, because Hans teaches coating the surface of each oatmeal body with the desired material which may include vitamin C. Hans, paragraph [0026]. In contrast, the present invention relates to oat flake being blended with a triple encapsulated vitamin C such that the body of each oat flake is penetrated by (or impregnated with) the encapsulated vitamin C. In fact, the disclosure of Hans nowhere teaches encapsulating the oat flakes, not coated or encapsulated, as stated by the Examiner on p. 2 of the office action.

Hans is silent about having a body of oat flake that is blended with a vitamin C component, let alone a tripe encapsulated vitamin C component. In addition, the tenor of the reference unmistakably indicates that only the surface of the flake is covered by vitamin.

Accordingly, a combination of the cited references, as suggested by the Examiner, cannot lead to the resultant composition teaching all of the recited elements of Claim 1. Therefore, Claim 1 is patentable over the combinations.

Claim 15 has been amended to recite a limitation similar to the one discussed in reference to Claim 1 and, thus, is patentable over the cited prior art references taken either individually or in any possible combination with one another.

Claims 2-9, 16-35 and 41-44 depend selectively on independent claims 1 and 15, respectively, and benefit from their patentability.

Applicants respectfully request that the 35 U.S.C. 103(a) rejection of claims 1-9, 15 -35 and 41-44 be withdrawn.

Claims 10-14, 36-40, 50-54 are patentable over Hansa, admitted prior art, Aterno in view of Anderson

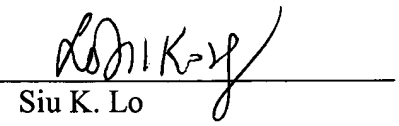
All of the above claims depend either directly or indirectly from independent claims 1 and 15, respectively. Accordingly, these claims are patentable over the cited prior art references at for the reason of their dependency upon allowable independent claims. Withdrawal of the rejection is respectfully requested.

Conclusion

Applicant respectfully submits that he has answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

It is believed that no additional fees is due with this response. However, the USPTO is authorized to charge any additional fees associated with this application to Deposit Account No. 06-0923.

Respectfully submitted,

By 

Siu K. Lo
(Reg. No. 46,877)
Goodwin Procter LLP
599 Lexington Avenue
New York, NY 10022
212-459-7245

LIBNY/4559923.1